

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

) Examiner: Joanne Hama

Mitchell Weiss et al.

) Art Unit: 1632

Serial No. 10/824,448

) File Ref: CHOP.0189US

Filed: April 14, 2004

)

For: "Alpha-Hemoglobin

)

Stabilizing Protein

)

Transgenic Mouse and

)

Methods of Use Thereof"

)

**REQUEST FOR AMENDMENT OF INVENTORSHIP UNDER
37 C.F.R. §1.48**

Applicant's hereby request that the inventorship of the above-identified patent application be amended to include Anthony J. Kihm as a joint inventor along with Drs. Weiss, Blobel, and Kong so that the application may proceed in the names of Drs. Weiss, Blobel, Kong and Kihm as joint inventors of the subject matter claimed. In support of Applicants request, the following papers are provided:

1. A statement from Dr. Kihm averring that his omission from the originally named inventive entity occurred without deception.
2. A new Inventors Declaration in compliance with 37 C.F.R. §1.63; and
3. The processing fee of \$130.00 as required under 37

11/10/2005 SFELEKE1 00000058 10824448
02 Ft:1464
130.00 0P

C.F.R.1.17(i).

An assignment document has been recorded in this case. Accordingly, submitted herewith is the written consent of the assignee acknowledging the change in the inventive entity.

Respectfully submitted,

DANN, DORFMAN, HERRELL AND SKILLMAN
A Professional Corporation
Attorneys for Applicant

By Kathleen D. Rigaut
Kathleen D. Rigaut, Ph.D., J.D.
Registration No.: 43,047
1601 Market Street - Suite 2400
Philadelphia, Pennsylvania 19103
(215) 563-4100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

) Examiner: Joanne Hama

Mitchell Weiss et al.

) Art Unit: 1632

Serial No. 10/824,448

) File Ref: CHOP.0189US

Filed: April 14, 2004

)

For: "Alpha-Hemoglobin

)

Stabilizing Protein

)

Transgenic Mouse and

)

Methods of Use Thereof"

)

DECLARATION OF ANTHONY J. KIHM

I, Anthony J. Kihm hereby declare that:

1. I am a co-inventor along with Mitchell Weiss, Yi Kong and Gerd Blobel of the invention described and claimed in U.S. Patent Application Serial No. 10/824,448 (the '448 application).
2. At the time of filing of the above-identified application, I was not identified as a joint inventor.
3. Upon review of the subject matter claimed in the application, I have realized that an unintentional error in inventorship occurred and am filing the present declaration to correct this error.
4. This error was made in good faith, without deceptive intent.
5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

03-November 2005

Date

Anthony Kihm

DECLARATION, POWER OF ATTORNEY AND POWER TO INSPECT

As a below named inventor, I hereby declare:

that my residence, post office address and citizenship are as stated below next to my name;

that I verily believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the invention entitled: **APLPHA-HEMOGLOBIN STABILIZING PROTEIN TRANSGENIC MOUSE AND METHODS OF USE THEREOF**

the specification of which [check one(s) applicable]

was filed April 14, 2004 as U.S. Application No. **10/824,448**

and was amended by Amendment filed _____ (if applicable); [or];
 is attached to this Declaration, Power of Attorney and Power to Inspect;

that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; and

that I acknowledge my duty to disclose information which is material to the examination of this application in accordance with Rule 56(a) [37CFR§1.56(a)].

CLAIM UNDER 35 USC §119(e): I hereby claim the benefit under 35 USC §119(e) of any United States provisional applications listed below:

Provisional Application No.

Filing Date

Day/Mo/Year

60/462,771

14 April 2003

60/477,991

12 June 2003

POWER OF ATTORNEY: As inventor, I hereby appoint **DANN, DORFMAN, HERRELL AND SKILLMAN, P.C.** of Philadelphia, PA, and the following individual(s) as my attorneys or agents with full power of substitution to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith; **Kathleen D. Rigaut, Ph.D., J.D. Reg. No. 43,047; Patrick J. Hagan, Esq., Reg. No. 27,643;**

Robert C. Netter, Jr., Ph.D., Reg. No. 56,422

POWER TO INSPECT: I hereby give **DANN, DORFMAN, HERRELL AND SKILLMAN, P.C.** of Philadelphia, PA or its duly accredited representatives power to inspect and obtain copies of the papers on file relating to this application.

SEND CORRESPONDENCE TO: **CUSTOMER NUMBER 000110**

DIRECT INQUIRIES TO: **Kathleen D Rigaut, Ph.D., J.D.**

Telephone: (215) 563-4100 Facsimile: (215) 563-4044 Email: KRigaut@ddhs.com

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SOLE OR FIRST JOINT INVENTOR

SECOND JOINT INVENTOR

Full Name: Mitchell Weiss
First Middle Last

Full Name: Gerd Blobel
First Middle Last

Signature _____

Signature _____

Date _____

Date _____

Residence _____
City _____ State or Country _____

Residence _____
City _____ State or Country _____

Citizenship _____

Citizenship _____

Post Office Address

Post Office Address

City _____ State or Country _____ Zip Code _____

City _____ State or Country _____ Zip Code _____



City **State or Country** **Zip Code**

U.S. Patent Application No. 10/824,448
Declaration, Power of Atty. &
Power to Inspect
Page 2

THIRD JOINT INVENTOR

Full Name: Yi Kong
First Middle Last

Signature _____

Date _____

Residence _____
City _____ State or Country _____

Citizenship _____

Post Office Address

City **State or Country** **Zip Code**

City **State or Country** **Zip Code**

FOURTH JOINT INVENTOR

Full Name: Anthony J. Kihm
First Middle Last

Signature Arthur J. Parker

Date November 3, 2005

Residence Princeton City NJ State or Country

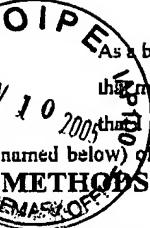
Citizenship U.S.A

Post Office Address

32 Chicopee Dr

Princeton NJ 08544

DECLARATION, POWER OF ATTORNEY AND POWER TO INSPECT



As a below named inventor, I hereby declare:

that my residence, post office address and citizenship are as stated below next to my name:

that I verily believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the invention entitled: **APLPHA-HEMOGLOBIN STABILIZING PROTEIN TRANSGENIC MOUSE AND METHODS OF USE THEREOF**

the specification of which [check one(s) applicable]

was filed April 14, 2004 as U.S. Application No. 10/824,448
 and was amended by Amendment filed _____ (if applicable); [or];
 is attached to this Declaration, Power of Attorney and Power to Inspect;

that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; and

that I acknowledge my duty to disclose information which is material to the examination of this application in accordance with Rule 56(a) [37CFR 1.56(a)].

CLAIM UNDER 35 USC '119(e): I hereby claim the benefit under 35 USC '119(e) of any United States provisional applications listed below:

Provisional Application No.

Filing Date

Day/Mo/Year

60/462,771

14 April 2003

60/477,991

12 June 2003

POWER OF ATTORNEY: As inventor, I hereby appoint **DANN, DORFMAN, HERRELL AND SKILLMAN, P.C.** of Philadelphia, PA, and the following individual(s) as my attorneys or agents with full power of substitution to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:; Kathleen D. Rigaut, Ph.D., J.D. Reg. No. 43,047; Patrick J. Hagan, Esq., Reg. No. 27,643; Robert C. Netter, Jr., Ph.D., Reg. No. 56,422

POWER TO INSPECT: I hereby give **DANN, DORFMAN, HERRELL AND SKILLMAN, P.C.** of Philadelphia, PA or its duly accredited representatives power to inspect and obtain copies of the papers on file relating to this application.

SEND CORRESPONDENCE TO: **CUSTOMER NUMBER 000110**

DIRECT INQUIRIES TO: Kathleen D Rigaut, Ph.D., J.D.

Telephone: (215) 563-4100 Facsimile: (215) 563-4044 Email: KRigaut@ddhs.com

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SOLE OR FIRST JOINT INVENTOR

SECOND JOINT INVENTOR

Full Name: Mitchell Weiss
First Middle Last

Full Name: Gerd Blobel
First Middle Last

Signature Mitchell Weiss

Signature _____

Date Nov 2, 2003

Date _____

Residence Wayne Woods PA
City State or Country

Residence _____
City State or Country

Citizenship US

Citizenship _____

Post Office Address

Post Office Address

32 Greenhill Lane
Wayne Woods PA 19096

City State or Country Zip Code

City State or Country Zip Code

U.S. Patent Application No. 10/824,448
 Declaration, Power of Atty. &
 Power to Inspect
 Page 2

THIRD JOINT INVENTOR

Full Name: Yi Kong
 First Middle Last

Signature _____

Date _____

Residence _____
 City _____ State or Country _____

Citizenship _____

Post Office Address

City _____ State or Country _____ Zip Code _____

FOURTH JOINT INVENTOR

Full Name: Anthony J. Kihm
 First Middle Last

Signature _____

Date _____

Residence _____
 City _____ State or Country _____

Citizenship _____

Post Office Address

City _____ State or Country _____ Zip Code _____

DECLARATION, POWER OF ATTORNEY AND POWER TO INSPECT



As a below named inventor, I hereby declare:

that my residence, post office address and citizenship are as stated below next to my name;

NOV 10 2005 that I verify believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the invention entitled: **ALPHA-HEMOGLOBIN STABILIZING PROTEIN TRANSGENIC MOUSE AND METHODS OF USE THEREOF**

the specification of which [check one(s) applicable]

was filed April 14, 2004 as U.S. Application No. **10/824,448**
 and was amended by Amendment filed _____ (if applicable); [or];
 is attached to this Declaration, Power of Attorney and Power to Inspect;

that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; and

that I acknowledge my duty to disclose information which is material to the examination of this application in accordance with Rule 56(a) (37CFR1.56(a)).

CLAIM UNDER 35 USC '119(e): I hereby claim the benefit under 35 USC '119(e) of any United States provisional applications listed below:

<u>Provisional Application No.</u>	<u>Filing Date</u> <u>Day/Mo/Year</u>
60/462,771	14 April 2003
60/477,991	12 June 2003

POWER OF ATTORNEY: As inventor, I hereby appoint **DANN, DORFMAN, HERRELL AND SKILLMAN, P.C.** of Philadelphia, PA, and the following individual(s) as my attorneys or agents with full power of substitution to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith; **Kathleen D. Rigaut, Ph.D., J.D.** Reg. No. 43,047; **Patrick J. Hagan, Esq.**, Reg. No. 27,643; **Robert C. Netter, Jr., Ph.D.**, Reg. No. 56,422

POWER TO INSPECT: I hereby give **DANN, DORFMAN, HERRELL AND SKILLMAN, P.C.** of Philadelphia, PA or its duly accredited representatives power to inspect and obtain copies of the papers on file relating to this application.

SEND CORRESPONDENCE TO: **CUSTOMER NUMBER 000110**

DIRECT INQUIRIES TO: **Kathleen D. Rigaut, Ph.D., J.D.**

Telephone: (215) 563-4100 Facsimile: (215) 563-4044 Email: KRigaut@ddhs.com

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SOLE OR FIRST JOINT INVENTOR

Full Name: Mitchell Weiss
First Middle Last

Signature _____

Date _____

Residence _____
or Country City State or Country

Citizenship _____

Post Office Address _____

SECOND JOINT INVENTOR

Full Name: Gerd Blobel
First Middle

Signature Gerd Blobel

Date 11-3-05

Residence Bala Cynwyd, PA 19004
City _____ State _____

Citizenship Germany, Permanent resident of the US

Post Office Address _____

107 Colwyn Lane

BEST AVAILABLE COPY

U.S. Patent Application No. **10/824,448**
Declaration, Power of Atty. &
Power to Inspect
Page 2

THIRD JOINT INVENTOR

Full Name: Yi Kong
First Middle Last

Signature _____

Date _____

Residence _____
City _____ State or Country _____

Citizenship _____

Post Office Address

City _____ State or Country _____ Zip Code _____

FOURTH JOINT INVENTOR

Full Name: Anthony J. Kihm
First Middle Last

Signature _____

Date _____

Residence _____
City _____ State or Country _____

Citizenship _____

Post Office Address

City _____ State or Country _____ Zip Code _____

U.S. TRADES
MATERIALS
AND METHODS OF USE THEREOF

DECLARATION, POWER OF ATTORNEY AND POWER TO INSPECT

As a below named inventor, I hereby declare:

that my residence, post office address and citizenship are as stated below next to my name;

that I verily believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the invention entitled: **APLPHA-HEMOGLOBIN STABILIZING PROTEIN TRANSGENIC**

HOUSE AND METHODS OF USE THEREOF

the specification of which [check one(s) applicable]

was filed April 14, 2004 as U.S. Application No. **10/824,448**

and was amended by Amendment filed _____ (if applicable); [or];
 is attached to this Declaration, Power of Attorney and Power to Inspect;

that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; and

that I acknowledge my duty to disclose information which is material to the examination of this application in accordance with Rule 56(a) [37CFR§1.56(a)].

CLAIM UNDER 35 USC §119(e): I hereby claim the benefit under 35 USC §119(e) of any United States provisional applications listed below:

Provisional Application No.

Filing Date

Day/Mo/Year

60/462,771

14 April 2003

60/477,991

12 June 2003

POWER OF ATTORNEY: As inventor, I hereby appoint **DANN, DORFMAN, HERRELL AND SKILLMAN, P.C.** of Philadelphia, PA, and the following individual(s) as my attorneys or agents with full power of substitution to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith; Kathleen D. Rigaut, Ph.D., J.D. Reg. No. 43,047; Patrick J. Hagan, Esq., Reg. No. 27,643; Robert C. Netter, Jr., Ph.D., Reg. No. 56,422

POWER TO INSPECT: I hereby give **DANN, DORFMAN, HERRELL AND SKILLMAN, P.C.** of Philadelphia, PA or its duly accredited representatives power to inspect and obtain copies of the papers on file relating to this application.

SEND CORRESPONDENCE TO: **CUSTOMER NUMBER 000110**

DIRECT INQUIRIES TO: Kathleen D Rigaut, Ph.D., J.D.

Telephone: (215) 563-4100 Facsimile: (215) 563-4044 Email: KRigaut@ddhs.com

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SOLE OR FIRST JOINT INVENTOR

Full Name: Mitchell Weiss
First Middle Last

Signature _____

Date _____

Residence _____
City _____ State or Country _____

Citizenship _____

Post Office Address

City _____ State or Country _____ Zip Code _____

SECOND JOINT INVENTOR

Full Name: Gerd Blobel
First Middle Last

Signature _____

Date _____

Residence _____
City _____ State or Country _____

Citizenship _____

Post Office Address

City _____ State or Country _____ Zip Code _____

U.S. Patent Application No. 10/824,448
Declaration, Power of Atty. &
Power to Inspect
Page 2

THIRD JOINT INVENTOR

Full Name: Yi Kong
First Middle Last

Signature _____

Date _____

Residence _____
City _____ State or Country _____

Citizenship _____

Post Office Address

City _____ State or Country _____ Zip Code _____

FOURTH JOINT INVENTOR

Full Name: Anthony J. Kihm
First Middle Last

Signature _____

Date _____

Residence _____
City _____ State or Country _____

Citizenship _____

Post Office Address

City _____ State or Country _____ Zip Code _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of) Examiner: Joanne Hama
Mitchell Weiss et al.) Art Unit: 1632
Serial No. 10/824,448) File Ref: CHOP.0189US
Filed: April 14, 2004)
For: "Alpha-Hemoglobin)
Stabilizing Protein)
Transgenic Mouse and)
Methods of Use Thereof")

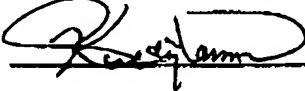
CONSENT BY ASSIGNEE FOR AMENDMENT UNDER RULE 1.48

The Children's Hospital of Philadelphia, is the Assignee of the right, title and interest of Mitchell Weiss, Gerd Blobel, and Yi Kong in and to the above-identified invention and application by virtue of the Assignment dated May 2004 and recorded at the United States Patent Office on June 10, 2004, Reel/Frame 014715/0979. The Children's Hospital of Philadelphia hereby consents to the amendment of the above-identified application under Rule 1.48 in order to properly set forth Dr. Kihm as a joint inventor along with Drs. Weiss, Blobel, and Kong of the subject matter disclosed and claimed in the application. An Assignment by Dr. Kihm will be executed and recorded in the Patent and Trademark Office so that The Children's Hospital of Philadelphia shall be the Assignee of the entire right, title and interest in and to the above-identified invention and application.

The Children's Hospital of Philadelphia

February 4, 2005

Date



Dr. or, Technology Transfer
Title

BEST AVAILABLE COPY

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PROCESSING FEE
TRANSMITTAL**
(Fees are subject to annual revision)

and completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

NOV 10 2005
U.S. PATENT AND TRADEMARK OFFICE
RECEIVED
CIPR

Application Number	10/824,448
Filing Date	April 14, 2004
First Named Inventor	Mitchell Weiss
Art Unit	1632
Examiner Name	Joanne Hama
Attorney Docket Number	CHOP.0189US

Enclosed is a paper filed under 37 CFR §1.48 that requires a processing fee (37 CFR 1.17(i)).

Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, if applicable. For transmittal of petition fees under 37 CFR 1.17(f), (g) or (h), see form PTO/SB/17p.

Payment of Fees (small entity amounts are NOT available for the processing fees)

The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 04-1406:
 processing fee under 37 CFR 1.17(i) any deficiency of fees and credit of any overpayments
 Enclose a duplicative copy of this form for fee processing.

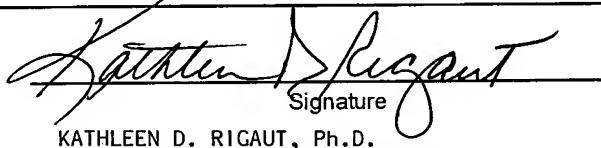
Check in the amount of \$ 130.00 is enclosed.

Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Processing Fees under 37 CFR 1.17(i): Fee \$130 Fee Code 1808 for all,
Except for § 1.221 papers (Fee Code 1803)**

For papers filed under:

§ 1.28(c)(3) - for processing a non-itemized fee deficiency based on an error in small entity status.
 § 1.41 - for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by § 1.63, except in provisional applications.
 § 1.48 - for correcting inventorship, except in provisional applications.
 § 1.52(d) - for processing a nonprovisional application filed with a specification in a language other than English.
 § 1.53(b)(3) - to convert a provisional application filed under § 1.53(c) into a nonprovisional application under § 1.53(b).
 § 1.55 - for entry of late priority papers.
 § 1.71(g)(2) - to enter an amendment to the specification for purposes of 35 U.S.C. 103(c)(2) if not filed within the cited time periods
 § 1.99(e) - for processing a belated submission under § 1.99.
 § 1.103(b) - for requesting limited suspension of action, continued prosecution application (§ 1.53(d)).
 § 1.103(c) - for requesting limited suspension of action, request for continued examination (§ 1.114).
 § 1.103(d) - for requesting deferred examination of an application.
 § 1.217 - for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent application publication.
 § 1.221 - for requesting voluntary publication or republication of an application. **Fee Code 1803**
 § 1.291(c)(5) - for processing a second or subsequent protest by the same real party in interest.
 § 1.497(d) - for filing an oath or declaration pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive entity set forth in the international stage.
 § 3.81 - for a patent to issue to assignee, assignment submitted after payment of the issue fee.


Signature

KATHLEEN D. RIGAUT, Ph.D.

Typed or printed name

November 7, 2005

Date

43,047

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

BEST AVAILABLE COPY